

3-6 Probation and Status

3-6.1 Probationary Period

- (a) **New employee without status.** A newly appointed classified employee who does not have status in the classified service when appointed must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in [rule 2-3 \[Performance Ratings\]](#) as a condition of continued employment.
- (b) **Employee with status.** An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in [rule 2-3 \[Performance Ratings\]](#) as a condition of continued appointment in that position.
- (c) **SES and SEMAS exceptions.** This rule does not apply to persons appointed to positions in the senior executive service (SES) and the senior executive management assistant service (SEMAS).

3-6.2 Length of Probationary Period

- (a) **Minimum length.** The minimum length of a probationary period is 12 calendar months of full-time employment or 18 calendar months of less than full-time employment.
- (b) **Extension of probationary period.** If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been unsatisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 calendar months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.
- (c) **Leave without pay during probationary period.** If a probationary employee is placed on a leave of absence without pay or on extended sick leave, the period of the leave of absence does not count toward completing the probationary period and the length of the probationary period is automatically extended for an additional period equal to the length of the employee's absence.

3-6.3 Unsatisfactory Service

- (a) **Employee without status.** If an employee without status does not perform satisfactorily during the probationary period, as provided in [rule 2-3 \[Performance Ratings\]](#), the appointing authority may dismiss or otherwise discipline the employee at any time during the probationary period or within 28 calendar days after the probationary period ends. The appointing authority shall give notice of a dismissal or other discipline to the employee and the department of civil service no later than 28 calendar days after the probationary period ends.
- (b) **Employee with status.** If an employee with status is appointed to a new classification and does not perform satisfactorily during the probationary period, as provided in [rule 2 3 \[Performance Ratings\]](#), the appointing authority may, at any time during the probationary period or within 28 calendar days after the probationary period ends, (1) dismiss or otherwise discipline the employee or (2) rescind the appointment and demote the employee.

3-6.4 Satisfactory Service; Notice

If an employee's service during the probationary period is satisfactory, the appointing authority shall give notice to the employee and the department of civil service within 28 calendar days after the probationary period ends.

3-6.5 Grievance of Probationary Rating or Discipline

- (a) **Probationary employee without status.** A probationary employee without status who is dismissed or otherwise disciplined may grieve the discipline only within the departmental steps of the civil service grievance procedure. The employee cannot appeal a final determination of the appointing authority to the department of civil service or the civil service commission unless the employee alleges that the discipline violated [rule 1 8 \[Prohibited Discrimination\]](#) or [rule 2 10 \[Whistleblower Protection\]](#).
- (b) **Probationary Employee with status.**
 - (1) **Recision of appointment and demotion.** A probationary employee with status (1) who receives an interim rating or unsatisfactory probationary or follow-up rating or (2) whose appointment is rescinded for any reason and who is demoted to a classification level not less

than the level occupied at the time of the appointment, may grieve the rating or the recision and demotion as provided in rule 8-1 [Grievances] and the applicable regulations. In any appeal of its final grievance decision, the appointing authority need only establish a rational basis for the rating or the recision and demotion. This subsection does not apply to the revocation of an appointment authorized in rule [3-7 \[Revocation of Appointment\]](#).

- (2) **Other discipline.** A probationary employee with status who is dismissed or disciplined other than as provided in subsection (b)(1) may grieve the rating or discipline as provided in rule 8-1 [Grievances] and the applicable regulations.

3-6.6 Status

An employee who has been appraised, qualified, properly appointed on an indefinite or limited-term basis, and who has satisfactorily completed the probationary period, has status while the employee remains continuously employed in the classified service. An employee who has attained status and later accepts an appointment to a position at a different classification level continues to have status at the former classification level while the employee remains continuously employed in the classified service. An employee whose appointment is revoked under [rule 3-7 \[Revocation of Appointment\]](#) cannot earn status at that classification and classification level or credit for qualification purposes.